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I hereby certify that this TRANSMITTAL is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 22nd day of March, 2002.

Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: \_\_\_\_\_

Wendy A. Frick



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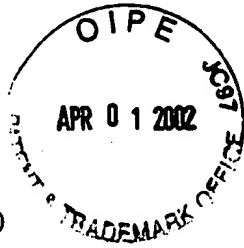
**PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
Galloway, et al.

Serial No.: 09/747,521

Filed: December 21, 2000

For: **METHODS FOR PROTECTION  
AGAINST LETHAL INFECTION WITH  
BACILLUS ANTHRACIS**



Examiner: Shahnan-Shah, Shatol S.

Art Unit: 1645

Attorney Docket No.: 2827/04079

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Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL OF RESPONSE TO ELECTION OF SPECIES REQUIREMENT AND  
SUPPLEMENTAL PRELIMINARY AMENDMENT**

Sir:

Transmitted herewith are the following:

1. Response to Election of Species Requirement and Supplemental Preliminary Amendment;
2. A check in the amount of \$18.00 as payment of two (2) additional dependent claims; and
3. A Return Receipt Postcard.

It is believed that no further fee is required relating to the filing of this Response. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: \_\_\_\_\_

March 22, 2002

By: \_\_\_\_\_

Pamela A. Docherty  
Pamela A. Docherty, Reg. No. 40,591  
(216) 622-8416



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Signed: Wendy A. Frick  
Wendy A. Frick

Election Amended B/#12  
4/17/02

PATENT

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Examiner: Shahnan-Shah, Khator

Art Unit: 1645

Attorney Docket No.: 22727/04079

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Washington, D.C. 20231

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT AND  
SUPPLEMENTAL PRELIMINARY AMENDMENT**

The following is in response to the election of species requirement mailed February 22, 2002.

Please amend the above-described application as follows:

IN THE CLAIMS:

Please amend the elected claims as follows:

23. (Twice Amended) A nucleic-acid based immunogenic composition for preparing a vaccine which protects a subject against lethal infection with *B. anthracis*, said immunogenic composition comprising a first polynucleotide which encodes a mutated lethal factor (LF) protein or immunogenic fragment of said mutated LF protein, said first polynucleotide being operably linked to a promoter which drives expression of the the mutated LF protein or immunogenic fragment of said mutated LF protein; and a pharmaceutically acceptable carrier or diluent.

31. (Once amended) The nucleic-acid based immunogenic composition of claim 23

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